

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

RICHARD THOMPSON and  
RONALD JORDAN,

Plaintiffs,

v.

Case No. 2:04-cv-204  
HON. ROBERT HOLMES BELL

PATRICIA CARUSO,

Defendant.

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**OPINION**

This is a civil rights action brought by two state prisoners pursuant to 42 U.S.C. § 1983. On September 7, 2005, this court entered a judgment dismissing plaintiffs' claims. Thereafter, defendant filed a motion to tax costs against plaintiffs in the amount of \$50.00. On September 30, 2005, this court issued an order requiring plaintiffs to file a response to defendant's motion. Plaintiffs filed a response on October 12, 2005.

The court finds that defendant's costs, including those sought under 28 U.S.C. § 1923(a), are authorized by statute and reasonable in nature and amount. *See Meador-Bey v. Jones*, No. 92-2379, 1993 WL 76228, at \*1 (6th Cir.), *cert. denied*, 509 U.S. 913 (1993); *Berryman v. Epp*, 884 F. Supp. 242, 244-45 (E.D. Mich. 1995). Costs in the amount of \$50.00 are therefore approved.

The Prison Litigation Reform Act, Pub. L. No. 104-134 (1996), removes the court's discretion to order relief from taxed costs on the basis of a prisoner's indigence. Under the Act, costs should generally be awarded regardless of whether the inmate is indigent. *See* 28 U.S.C. § 1915(f)(2)(A); *Singleton v. Smith*, 241 F.3d 534, 539-40 (6th Cir. 2001). Defendant is entitled to

an award of costs totaling \$50.00. Each plaintiff is responsible for one-half of defendant's costs, or \$25.00.

Plaintiff Thompson

Defendant filed a certificate establishing plaintiff Thompson's prison account activity. Plaintiff's current account balance is \$5,851.62. Plaintiff is capable of immediately paying his portion of defendant's costs in full. Plaintiff shall make an immediate payment to the Michigan Attorney General's Office in the amount of \$25.00.

Plaintiff Jordan

Defendant filed a certificate establishing plaintiff Jordan's prison account activity. Plaintiff's current account balance is \$901.57. Plaintiff is capable of immediately paying his portion of defendant's costs in full. Plaintiff shall make an immediate payment to the Michigan Attorney General's Office in the amount of \$25.00.

Date: November 10, 2005

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
CHIEF UNITED STATES DISTRICT JUDGE